

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	C.A. NO. 04-10336-NMG
)	
ENRIQUE AGOSTO)	
Defendant)	

ASSENTED TO MOTION FOR STATUS CONFERENCE AND
EXCLUSION OF TIME UNDER 18 U.S.C § 3161

The United States, through the undersigned attorney, and with the assent of defense counsel in the above-captioned matter, respectfully requests that a date for status conference be scheduled in or about the week of April 9, 2007. The United States, again with the assent of defense counsel, further moves for exclusion of time under the Speedy Trial Act (STA), 18 U.S.C. § 3161, from September 22, 2006, through and including the date of the next status conference.

As grounds therefore, the government offers the following. On September 22, 2006, Defendant filed a motion to sever and to continue his trial from the trial of his codefendants, which was scheduled for October 16, 2006. Defendant further agreed to the exclusion of time under the STA necessitated by his requested continuance. The basis for Defendant's severance and continuance motion was set forth in a sealed filing. See Docket Entry 288. The government assented to the defendant's motion. On September

28, 2006, the court granted Defendant's motion.

On October 16, 2006, the trial of Agosto's codefendant's commenced. The trial concluded on October 27, 2006, with guilty verdicts. See Docket Entry 329. Sentencing hearings have been scheduled throughout the months of March and April 2007.

Defense counsel is prepared to conference the case in or about the week of April 9, 2007. The parties are also actively discussing resolution of the charges against Defendant short of trial. All parties agree that the exclusion of time under the STA from September 22, 2006, to the date of the next status conference, is in the interest of justice.

WHEREFORE, the United States respectfully requests that the court schedule a date for status conference during the week of April 9, 2007, and it further moves for exclusion of time under the STA, the period from September 22, 2006, through and including the date of the next status conference.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/William F. Bloomer
WILLIAM F. BLOOMER
Assistant U.S. Attorney

CERTIFICATE OF SERVICE AND COMPLIANCE WITH LR 7.1(A)(2)

I, William F. Bloomer, hereby certify that this document filed through the ECF system on March 1, 2007, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and further certify that I have conferred with Eugene Patrick McCann, Esq., attorney for Enrique Agosto, pursuant to LR 7.1(A)(2), and that Attorney McCann assents to this motion.

/s/William F. Bloomer
WILLIAM F. BLOOMER

Date: 1 March 2007